



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: FEBRUARY 2, 2016

FROM: PUBLIC WORKS DEPARTMENT WARDS: 7

**SUBJECT: RIVERSIDE AGRICULTURAL PARK: REQUEST TO THE CALIFORNIA
DEPARTMENT OF TOXIC SUBSTANCES CONTROL TO PRESENT
INFORMATION TO THE CITY COUNCIL**

ISSUES:

The City of Riverside request that the California Department of Toxic Substances Control (DTSC) appear before the City Council, on or before March 15, 2016, to present information on matters related to the DTSC's and the United States Environmental Protection Agency's (USEPA) re-evaluation of Riverside Agricultural Park (Ag Park).

RECOMMENDATION:

To receive and file this report and provide direction to staff regarding Department of Toxic Substances Control and the Riverside Agricultural Park.

BACKGROUND:

On April 8, 2003, the City Council approved an Exchange, Disposition, and Development Agreement (Agreement) with the Friends of Riverside Airport, LLC (FRA), the owners of approximately the 60 acres of property located adjacent to the future Jurupa Avenue extension. The Agreement provided for the exchange of the City's approximately 59 acres of land located at 9500 Jurupa Avenue, known as Ag Park (Attachment 1) with FRA's 60 acre property.

On April 11, 2006, the City Council amended the Agreement to address the delays in performance of the obligations under the Agreement due to FRA's discovery of soil contamination at Ag Park. Through a Voluntary Cleanup Agreement with the City, DTSC provided oversight on the investigation and the remediation of the polychlorinated biphenyls (PCBs) discovered by FRA. The continued investigation and remedial work overseen by DTSC was later performed under a California Land Reuse and Revitalization Agreement with FRA.

After the removal of approximately 204,000 tons of material, the Ag Park site was certified by DTSC for unrestricted land use, and in April 2014 DTSC issued its clearance letter for development (Attachment 2). The Ag Park site was then graded for residential development including individual lot rough grading as well as all public right of ways, including sidewalk and streets areas.

The Center of Community Action and Environmental Justice (CCA EJ) submitted a letter in March 2015 to DTSC and other regulatory agencies requesting both a re-analysis of the soil conditions at Ag Park and USEPA involvement. DTSC then announced that it would re-evaluate Ag Park (Attachment 3). Consequently, the City had to issue a Stop-Work Order and all development activities have ceased at the property.

In response to CCA EJ's request, DTSC and the USEPA collaborated on a sampling plan that, according to DTSC, would "re-confirm the site cleanup, to ensure that the site conditions had not changed, and the site continued to remain safe for existing and future residents and workers."

On November 2, 2015, DTSC released a Limited Soil Confirmation Evaluation that provided the test results on the collaborated sampling plan with USEPA, which included both soil and groundwater sampling activities. Based on the results of this report, DTSC requested further sampling and testing of the on-site soils. The follow-up report by TRC Solutions dated January 6, 2016 is attached (Attachment 4).

The above referenced Limited Soil Confirmation Evaluation and related laboratory test results and other information pertaining to the DTSC's investigation of Ag Park can be located at the following DTSC Envirostore website:

http://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=33490087

DISCUSSION:

The City has, on several occasions, requested DTSC to provide an in-person presentation to the City Council in order to explain and answer questions about what DTSC is doing at Ag Park. Due to the utmost urgency and importance of the subject issue, the City Manager has again made a request (Attachment 5) to the DTSC Director to appear at an upcoming City Council meeting, on or before March 15, 2016. At this time and with the limited information we have, the City needs DTSC to provide clarification and answers to questions that include, but are not limited to:

1. Have the type, depth, and limits of contaminated soils been conclusively determined at the subject site? What additional sampling and testing is necessary?
2. What is the recommended remediation for the contaminated soils?
3. What is the strategy moving forward by the DTSC to mandate, enforce, and verify the contaminated soils at Ag Park are properly remediated, assuring the health and safety of the area's existing and future residents?
4. What is DTSC's plan moving forward to address the neighborhood's concerns of potential contamination in the areas outside the perimeter of Ag Park?
5. What is the proposed schedule, as applicable, for the above noted activities?
6. Will the DTSC indemnify the City of Riverside in the event of litigation by the property's developer due to the City's Stop-Work Order?

It is imperative that the DTSC Director appear before the City Council with a comprehensive presentation to address the above questions and provide all other relevant information on Ag Park. The City Council and public need to be fully informed on past cleanup activities, soil sampling and associated test results, remediation plans, enforcement actions, and the overall path forward to ensure the Ag Park and surrounding neighborhoods are free of hazardous contamination that compromise the health and safety of the area's existing and future residents.

FISCAL IMPACT:

There is no fiscal impact associated with this report.

Prepared by: Mark Steuer, Deputy Public Works Director/City Engineer
Approved by: Al Zelinka, FAICP, Assistant City Manager
Approved as to form: Gary G. Geuss, City Attorney

Attachments:

1. Location Map
2. DTSC Clearance letter dated April 1, 2014
3. DTSC Re-evaluation letter dated May 22, 2015
4. Soil Sampling Report dated January 6, 2016
5. City's request to DTSC dated January 28, 2016